

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JERRY J. MEEKS,

Petitioner,

v.

Case No. 23-CV-1022

SUE DEHAAN,

Respondent.

RULE 4 ORDER RECOMMENDING DISMISSAL OF PETITION¹

Jerry J. Meeks, who is currently incarcerated at the Wisconsin Resource Center, seeks a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Docket # 1.) Meeks also moves for leave to proceed without prepaying the \$5.00 filing fee (*in forma pauperis*) applicable to § 2254 petitions. (Docket # 4.) In an Order dated August 25, 2023, I raised two issues with Meeks' current petition and motion for leave to proceed *in forma pauperis*. First, while Meeks moves for leave to proceed *in forma pauperis*, he failed to submit a certified copy of his prison trust account statement (or institutional equivalent) for the 6-month period immediately preceding the filing of the petition, as required by 28 U.S.C. § 1915(a)(2). (Docket # 6 at 1–2.) Without the trust account statement, it is unclear what funds, if any, Meeks may have in his general account to satisfy the \$5.00 filing fee. (*Id.* at 2.) Second, I raised the procedural issue that Meeks' habeas petition, which challenges a judgment of conviction from July 6, 2000, was likely time-barred. (*Id.* at 2, 4–6.) Given that Meeks did not use the Court's

¹ Because the respondents have not yet appeared and had an opportunity to consent or refuse magistrate judge jurisdiction, I issue a report and recommendation regarding the screening of the petition. *See Coleman v. Labor and Industry Review Commission*, 860 F.3d 461 (7th Cir. 2017).

preprinted § 2254 petition form, I noted that Meeks' grounds for relief were not entirely clear. Thus, out of an abundance of caution, Meeks was given the opportunity to file an amended petition as well as time to provide his prison trust account statement. (*Id.* at 5–6.) Meeks was provided copies of the appropriate forms along with the Order. (*Id.* at 6.) Meeks was given until September 15, 2023 to either pay the \$5 filing fee or file a motion for leave to proceed without prepayment of the filing fee that includes his six-month prison trust account statement and to resubmit his habeas petition using the Court's preprinted form. (*Id.*) Meeks was warned that failure to address these insufficiencies would result in a recommendation that his petition be dismissed. (*Id.*)

To date, Meeks has failed to comply with the August 25, 2023 Order. For this reason, I recommend that his habeas petition be denied and the case dismissed.

RECOMMENDATION AND ORDER

NOW, THEREFORE, IT IS RECOMMENDED that Meeks' habeas petition be **DENIED** and the case **DISMISSED**.

IT IS ORDERED that Meeks' motion for leave to proceed without prepayment of the filing fee (Docket # 4) is **DENIED**.

Your attention is directed to General L.R. 72(c), 28 U.S.C. § 636(b)(1)(B) and Federal Rules of Criminal Procedure 59(b), or Federal Rules of Civil Procedure 72(b) if applicable, whereby written objections to any recommendation or order herein, or part thereof, may be filed within fourteen days of the date of service of this recommendation or order. Objections are to be filed in accordance with the Eastern District of Wisconsin's electronic case filing procedures. Failure to file a timely objection with the district court shall result in a waiver of a party's right to appeal. If no response or reply will be filed, please notify the Court in writing.

Dated at Milwaukee, Wisconsin this 25th day of September, 2023.

BY THE COURT

A handwritten signature in black ink, reading "Nancy Joseph". The signature is written in a cursive style with a large initial "N" and a long horizontal stroke at the end.

NANCY JOSEPH

United States Magistrate Judge